

JOURNAL OF THE HOUSE

EIGHTY-EIGHTH SESSION

THIRTY-SIXTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, March 7, 2013

The House convened at 9:00 a.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Brad Urbach, followed by the Pledge of Allegiance led by House pages Matthew Moen, Michelle Schwab, and Christian Swenson.

Roll Call: All members present except Reps. Carson and Miller who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the thirty-fifth day.

In the House Journal of the thirty-fourth day the following correction should be made:

On page 707, delete lines 11 and 12 and insert "SB 75: FOR AN ACT ENTITLED, An Act to adopt updated guidelines for the evaluation of permanent impairment in connection with workers' compensation claims."

On page 707, line 14, delete "175" and insert "75".

All additional errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS**DISSENT AND PROTEST PASSAGE OF SB 235**

Pursuant to Joint Rule 1-10, we, the undersigned Representatives, do hereby respectfully dissent from, and protest against, the ruling of the Speaker of the House, Representative Gosch, in response to Representative Nelson's request for a division of the question on SB 235 pursuant to Joint Rule 5-9. Article III, Section 21 of the South Dakota Constitution states: "No law shall embrace more than one subject, which shall be expressed in its title." Joint Rule 5-9 requires the presiding officer to divide the question "... if it contains questions so distinct that, one being taken away, the rest may stand as a separate proposition." Speaker Gosch ruled that SB 235 does not embrace more than one subject even though the bill contains such disparate elements as teaching English as a second language and reinvestment payments to stimulate economic development and investment. In addition, Speaker Gosch ruled that Representative Nelson's motion for division of the question was a debatable motion in violation of Section 316 (5) of Mason's Manual of Legislative Procedure, which specifies that such a motion is not subject to debate. We therefore believe that the passage of Senate Bill 235 is in contravention of the Constitution, is null and void, promotes a practice that undermines the very foundation of our State Constitution, and thus weakens the rule of law. We thus dissent from, and protest against, this erroneous ruling, and we respectfully request that this dissent and protest be printed in the House Journal as required by Joint Rule 1-10.

Respectfully submitted,
Stace Nelson
Dan Kaiser
Brock Greenfield
Betty Olson
Lance Russell

Respectfully submitted,
Elizabeth May
Jim Stalzer
Blaine Campbell
Don Kopp

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has appointed Sens. Maher, Russell Olson, and Bradford as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on HB 1123.

Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has appointed Sens. Kirkeby, Adelstein, and Bradford as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on HB 1130.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has appointed Sens. Maher,
3 Omdahl, and Frerichs as a committee of three on the part of the Senate to meet with a like
4 committee on the part of the House to adjust the differences between the two houses on
5 HB 1239.

6 Also MR. SPEAKER:

7 I have the honor to inform your honorable body that the Senate has failed to concur in
8 House amendments to SB 28 and has appointed Sens. Rhoden, Soholt, and Jones as a
9 committee of three on the part of the Senate to meet with a like committee on the part of the
10 House to adjust the differences between the two houses.

11 Also MR. SPEAKER:

12 I have the honor to inform your honorable body that the Senate has failed to concur in
13 House amendments to SB 90 and has appointed Sens. Peters, Tidemann, and Sutton as a
14 committee of three on the part of the Senate to meet with a like committee on the part of the
15 House to adjust the differences between the two houses.

16 Also MR. SPEAKER:

17 I have the honor to inform your honorable body that the Senate has failed to concur in
18 House amendments to SB 15 and has appointed Sens. Rhoden, Soholt, and Jones as a
19 committee of three on the part of the Senate to meet with a like committee on the part of the
20 House to adjust the differences between the two houses.

21 Respectfully,
22 Jeannette Schipper, Secretary

23 **ANNOUNCEMENTS**

24 The Speaker appointed Reps. Wink, Mickelson, and Parsley as a committee of three on the
25 part of the House to meet with a like committee on the part of the Senate to adjust the
26 differences between the two houses on SB 90.

27 The Speaker appointed Reps. Wink, Dryden, and Hawley as a committee of three on the
28 part of the House to meet with a like committee on the part of the Senate to adjust the
29 differences between the two houses on SB 15.

1 The Speaker appointed Reps. Wink, Dryden, and Hawley as a committee of three on the
2 part of the House to meet with a like committee on the part of the Senate to adjust the
3 differences between the two houses on SB 28.

4 The Speaker appointed Reps. Craig, Kopp, and Peterson as a new committee of three on
5 the part of the House to meet with a like committee on the part of the Senate to adjust the
6 differences between the two houses on HB 1130.

7 MOTIONS AND RESOLUTIONS

8 Rep. Wink moved that the House do now recess until 2:00 p.m., which motion prevailed
9 and at 9:32 a.m., the House recessed.

10 RECESS

11 The House reconvened at 2:00 p.m., the Speaker presiding.

12 There being no objection, the House reverted to Order of Business No. 5.

13 REPORTS OF CONFERENCE COMMITTEES

14 Cc1123A

15 MR. SPEAKER:

16 The Conference Committee respectfully reports that it has considered HB 1123 and the
17 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
18 recommends that HB 1123 be amended as follows:

19 1123tb

20 On page 2 of the Senate engrossed bill, delete lines 7 to 17, inclusive, and insert:

21 " Section 2. The state auditor shall approve an operating cash transfer from the Department
22 of Game, Fish and Parks fund established pursuant to § 41-2-34 to the state animal damage
23 control fund established pursuant to § 40-36-10 not to exceed one hundred sixty thousand
24 dollars to expand predator control services. The funds shall be repaid with interest based on the
25 cash flow fund rate of return not later than June 30, 2014. Funds may be used to contract for
26 direct aerial predator control services and to provide grants to predator control districts or other

1 local government entities that can provide aerial predator control or other direct predator control
2 services.".

3 1123ttb

4 On page 1, line 2, of the Senate engrossed bill, delete "to make an appropriation therefor,"
5 and insert "approve temporary funding provisions relating to predator control,".

6 Respectfully submitted,
7 G. Mark Mickelson
8 House Committee Chair

Respectfully submitted,
Ryan Maher
Senate Committee Chair

9 CcL1130A

10 Also MR. SPEAKER:

11 The Conference Committee respectfully reports that it has considered HB 1130 and the
12 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
13 recommends that the House do concur with the Senate amendments.

14 Respectfully submitted,
15 Scott Craig
16 House Committee Chair

Respectfully submitted,
Mark Kirkeby
Senate Committee Chair

17 Cc1239A

18 Also MR. SPEAKER:

19 The Conference Committee respectfully reports that it has considered HB 1239 and the
20 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
21 recommends that all Senate amendments be deleted, thus restoring the bill to the House
22 Engrossed version.

23 Respectfully submitted,
24 Hal Wick
25 House Committee Chair

Respectfully submitted,
Ryan Maher
Senate Committee Chair

26 Cc15A

27 Also MR. SPEAKER:

28 The Conference Committee respectfully reports that it has considered SB 15 and the
29 amendments thereto made by the House, and the disagreement of the two houses thereon, and
30 recommends that SB 15 be amended as follows:

1 15co

2 On page 3, line 13, of the House Appropriations Committee engrossed bill, delete "forty-
3 five" and insert "fifty-five and two tenths".

4 On page 6, line 24, delete "twenty-five" and insert "thirty-five and two tenths".

5 On page 10, line 9, delete "\$1.25" and insert "\$1.352".

6 Respectfully submitted,
7 Dean Wink
8 House Committee Chair

Respectfully submitted,
Larry Rhoden
Senate Committee Chair

9 Cc28A

10 Also MR. SPEAKER:

11 The Conference Committee respectfully reports that it has considered SB 28 and the
12 amendments thereto made by the House, and the disagreement of the two houses thereon, and
13 recommends that SB 28 be amended as follows:

14 28tb

15 On page 1, line 8, of the House engrossed bill, delete "fifteen and three tenths" and insert
16 "twenty".

17 On page 1, line 12, delete "~~thirty-two~~ eight and two tenths" and insert "~~thirty-two and two-~~
18 ~~tenths~~ nine".

19 On page 2, line 2, delete "twenty-seven" and insert "twenty-nine".

20 On page 2, line 3, overstrike "nine" and insert "six".

21 Respectfully submitted,
22 Dean Wink
23 House Committee Chair

Respectfully submitted,
Larry Rhoden
Senate Committee Chair

24 Cc235A

25 Also MR. SPEAKER:

26 The Conference Committee respectfully reports that it has considered SB 235 and the
27 amendments thereto made by the House, and the disagreement of the two houses thereon, and
28 recommends that SB 235 be amended as follows:

1 235fg

2 On page 1, line 10, of the House State Affairs Committee engrossed bill, delete "GOED.
3 The board" and insert "the Bureau of Finance and Management. The state".

4 On page 1, line 13, delete "project" and insert "new or expanded facility with project costs
5 exceeding twenty million dollars".

6 On page 1, line 14, delete "23 to 37" and insert "24 to 36".

7 On page 2, line 1, delete "contractors'" and insert "contractor's".

8 On page 2, between lines 8 and 9, insert:

9 "

10 Notwithstanding the provisions of this section, no deposit or transfer to the building South
11 Dakota fund may be made by the commissioner of the Bureau of Finance and Management if
12 the projected ongoing revenues adopted by the Legislature for the prospective fiscal year are
13 insufficient to accommodate:

14 (1) The statutory increases for state aid to K-12 general education, special education, and
15 the technical institutes;

16 (2) Projected Title XIX and the Title XXI spending adjusted for increased provider
17 payments, increased utilization, or enrollment growth, and as affected by any
18 reduction in the Federal medical assistance percentage; and

19 (3) The state employee salary policy increase, commensurate with the K-12 inflationary
20 increase, in addition to funds necessary to meet actuarially projected increases in
21 health insurance costs."

22 On page 2, line 10, before "fund" insert "building South Dakota".

23 On page 2, line 16, delete "section 8" and insert "section 10".

24 On page 2, line 18, delete "section 11" and insert "section 13".

25 On page 2, line 20, delete "or loans".

26 On page 2, line 22, delete "The Governor's Office of Economic Development" and insert
27 "Each department administering the funds received from section 2 of this Act".

28 On page 3, line 5, delete "other".

29 On page 3, line 6, delete everything after "." and insert "The board shall consider the
30 funding mechanisms available to and utilized by the applicant when making a decision to award
31 a grant."

1 On page 3, delete lines 7 and 8.

2 On page 3, line 9, delete "from a wheel tax increase."

3 On page 3, delete lines 13 to 15, inclusive, and insert "Section 5. There is hereby created
4 in the state treasury the economic development partnership fund. The Board of Economic
5 Development may award grants to any nonprofit development corporation, municipality, county,
6 or other political subdivision of this state from the fund".

7 On page 3, line 20, delete "GOED" and insert "The Board of Economic Development".

8 On page 3, line 21, after "equipment" insert "and training".

9 On page 3, line 22, delete "GOED" and insert "The board".

10 On page 4, delete lines 10 to 24, inclusive, and insert:

11 " Section 8. The Board of Economic Development shall promulgate rules pursuant to chapter
12 1-26 regarding the application process and timelines, the guidelines and criteria for approval of
13 applications, and the distribution of funds from the local infrastructure improvement grant fund.

14 Section 9. The Board of Economic Development shall promulgate rules pursuant to chapter
15 1-26 regarding the application process and timelines, the guidelines and criteria for approval of
16 applications, and the distribution of funds from the economic development partnership fund.

17 Section 10. There is hereby created in the state treasury the workforce education fund to be
18 used for the following purposes:

19 (1) To fund the limited English proficiency adjustment as referenced in section 11 of this
20 Act;

21 (2) Provide grants for the purposes of providing secondary career and technical
22 education programs; and

23 (3) Provide additional one-time funding to school districts.

24 Interest earned on money in the fund shall be deposited into the fund. Any money in the
25 workforce education fund is continuously appropriated to the Department of Education for the
26 purposes stated in sections 10 and 11 of this Act. Any money deposited into and distributed
27 from the fund shall be set forth in an informational budget as described in § 4-7-7.2.

28 Section 11. The secretary of the Department of Education shall authorize and disburse
29 money from the workforce education fund to fund the state's share of the limited English
30 proficiency adjustment as calculated by §§ 13-13-10.1 and 13-13-73 for state fiscal years 2014,
31 2015, and 2016. If, after the state's share of the limited English proficiency adjustment is
32 funded, the workforce education fund exceeds two million dollars as of July first of each year,
33 the amount of money in excess of one million dollars shall be disbursed as follows:

- 1 (1) An amount not to exceed one million five hundred thousand dollars shall be
2 distributed to fund new and existing secondary career and technical education
3 programs; and
- 4 (2) Any amount remaining in the fund over one million dollars after the distribution in
5 subdivision (1) is made shall be allocated to each school district in an amount equal
6 to the money available for such distribution times the ratio of each school district's
7 fall enrollment to the total state fall enrollment as defined in § 13-13-10.1.
- 8 Section 12. The South Dakota Board of Education shall promulgate rules pursuant to
9 chapter 1-26 regarding the application process and timelines, the guidelines and criteria for
10 approval of applications, and the distribution of funds from the workforce education fund."
- 11 On page 5, delete lines 1 to 22, inclusive.
- 12 On page 5, line 24, after "Housing" insert "Development".
- 13 On page 6, line 1, delete "extremely low" and insert "moderate".
- 14 On page 6, line 3, delete "11 to 20" and insert "13 to 21".
- 15 On page 6, line 4, after "." insert "Any money in the South Dakota housing opportunity
16 fund is continuously appropriated."
- 17 On page 6, line 7, delete " this sections11 to 20" and insert "sections 13 to 21".
- 18 On page 6, delete lines 15 to 24, inclusive.
- 19 On page 7, delete lines 1 to 24, and insert:
- 20 "
- 21 (5) "Oversight commission," the commissioners that govern the South Dakota Housing
22 Development Authority;
- 23 (6) "Single family home," any home built to the International Residential Code (IRC) or
24 the United States Department of Housing and Urban Development (HUD) Building
25 Code as of January 1, 2013, and located on a suitable site that is zoned properly for
26 a IRC or HUD single family residence."
- 27 On page 8, delete lines 1 and 2.
- 28 On page 8, line 11, delete "Native American tribe" and insert "tribal government".
- 29 On page 8, line 18, after "construction" insert "or the purchase".
- 30 On page 9, line 2, delete "for" and insert "in".
- 31 On page 9, line 12, delete everything after "." .

1 On page 9, delete lines 13 to 18, inclusive.

2 On page 10, line 4, after "fund" insert ".".

3 On page 10, line 16, delete "ex officio".

4 On page 10, between lines 23 and 24, insert:

5 "

6 The members shall be appointed to the board for a term of two years before the close of each
7 regular session of the Legislature. If there is a vacancy, the vacancy shall be filled in the same
8 manner as the original appointment."

9 On page 10, line 24, delete "23 to 37" and insert "24 to 36".

10 On page 11, delete lines 6 to 24, inclusive, and insert:

11 "

12 (4) "Construction date," the first date earth is excavated or a contractor has initiated
13 work for the purpose of constructing a new or expanded facility or the first date new
14 equipment is located on the project site or existing equipment is removed from the
15 project site for the purpose of equipment upgrades, whichever occurs first;

16 (5) "Data center," any facility established for the purpose of processing, storage,
17 retrieval, or communication of data;

18 (6) "Department," the Department of Revenue;

19 (7) "Equipment upgrades," the installation of new equipment or the replacement or
20 improvement of existing equipment, which is subject to the sales or use tax imposed
21 by chapters 10-45 or 10-46 or contractor's excise tax imposed by chapters 10-46A or
22 10-46B;

23 (8) "GOED," the Governor's Office of Economic Development;

24 (9) "New or expanded facility," a new building or structure, or the expansion,
25 renovation, or retrofitting of an existing building or structure, which is subject to the
26 contractor's excise tax imposed by chapters 10-46A or 10-46B;

27 (10) "Person," any individual, firm, copartnership, joint venture, association, cooperative,
28 nonprofit development corporation, limited liability company, limited liability
29 partnership, corporation, estate, trust, business trust, receiver, or any group or
30 combination acting as a unit;

31 (11) "Project," a new or expanded facility with a project cost which exceed twenty million
32 dollars, or equipment upgrades with a project cost which exceed two million dollars.
33 A project includes laboratory and testing facilities, manufacturing facilities, data
34 centers, power generation facilities, power transmission facilities, agricultural

- 1 processing facilities, wind energy facilities, and facilities defined by GOED as
2 targeted industries. A project does not include any building or structure:
- 3 (a) Used predominantly for the sale of products at retail, other than the sale of
4 electricity at retail, to individual consumers;
- 5 (b) Used predominantly for residential housing or transient lodging;
- 6 (c) Used predominantly to provide health care services;
- 7 (d) Used predominantly for the transportation or transmission of natural gas, oil,
8 or crude oil by means of a pipeline; or
- 9 (e) That is not subject to ad valorem real property taxation or equivalent taxes
10 measured by gross receipts;
- 11 (12) "Project cost," the amount paid by the project owner in money, credits, property, or
12 other consideration associated with a project including, without limitation, land,
13 labor, materials, furniture, equipment, fees, or fixtures;
- 14 (13) "Wind energy facility," any new facility or facility expansion that:
- 15 (a) Consists of a commonly managed integrated system of towers, wind turbine
16 generators with blades, power collection systems, and electric interconnection
17 systems, that convert wind movement into electricity, and is subject to the tax
18 imposed by §§ 10-35-18 and 10-35-19; and
- 19 (b) The construction of which is subject to contractors' excise tax pursuant to
20 chapter 10-46A or 10-46B."
- 21 On page 12, delete lines 1 to 16, inclusive.
- 22 On page 12, line 18, delete "replacement" and insert "upgrades".
- 23 On page 12, line 19, delete "23 to 37" and insert "24 to 36".
- 24 On page 12, line 21, delete "section 25" and insert "section 26".
- 25 On page 12, line 22, delete "section 27" and insert "section 28".
- 26 On page 12, line 23, delete "section 28" and insert "section 29".
- 27 On page 13, line 1, delete "23 to 37" and insert "24 to 36".
- 28 On page 13, line 4, delete "23 to 37" and insert "24 to 36".
- 29 On page 13, line 6, delete "23 to 37" and insert "24 to 36".

- 1 On page 13, line 7, delete "no sooner than ninety days before the construction date, or".
- 2 On page 13, line 9, delete "23 to 37" and insert "24 to 36".
- 3 On page 13, line 18, before "contractors" insert "anticipated".
- 4 On page 13, line 24, after "." insert "The board shall consider the likelihood that the project
5 would have occurred without the reinvestment payment."
- 6 On page 14, line 1, delete "by the".
- 7 On page 14, delete line 2, and insert "on the project costs."
- 8 On page 14, delete lines 9 and 10.
- 9 On page 14, line 11, delete "(5)" and insert "(4)".
- 10 On page 14, line 12, delete "(6)" and insert "(5)".
- 11 On page 14, line 12, delete "section 36" and insert "section 35".
- 12 On page 14, line 15, delete "section 28" and insert "section 29".
- 13 On page 15, line 9, delete "and".
- 14 On page 15, line 10, after "(9)" insert "If the reinvestment payment was assigned or
15 transferred, the name and address of the person to whom the reinvestment payment has been
16 assigned or transferred; and
17 (10)".
- 18 On page 15, line 15, delete "section 28" and insert "section 29".
- 19 On page 15, line 18, delete "23 to 37" and insert "24 to 36".
- 20 On page 15, line 18, delete everything after "." and insert "If the person filing the affidavit
21 for reinvestment payment knowingly makes any material false statement or report in the
22 affidavit for reinvestment payment".
- 23 On page 15, line 19, delete everything before "," .
- 24 On page 15, line 20, delete "23 to 37" and insert "24 to 36".
- 25 On page 15, line 23, delete "23 to 37" and insert "24 to 36".
- 26 On page 15, line 23, before "." insert ", unless an extension is granted at the sole discretion
27 of the board, which extension may not extend beyond four years from the construction date".

1 On page 16, line 1, delete "sixty" and insert "ninety".

2 On page 16, line 2, after "." insert "If GOED requests additional documents or information
3 from the project owner, the ninety day period begins to run from the date of receipt of the
4 additional documents or information.".

5 On page 16, line 5, delete "23 to 37" and insert "24 to 36".

6 On page 16, line 8, delete "23 to 37" and insert "24 to 36".

7 On page 16, line 12, delete "23 to 37" and insert "24 to 36".

8 On page 16, delete lines 17 to 20, inclusive.

9 On page 16, line 22, before "tax" insert "sales and use".

10 On page 16, line 24, delete "percentage of funds that" and insert "amount of funds
11 attributable to the project that the".

12 On page 17, line 3, delete "23 to 37" and insert "24 to 36".

13 On page 17, line 8, after "local" insert "government tax mechanisms".

14 On page 17, delete lines 13 to 17, inclusive.

15 On page 17, line 22, delete "compensation" and insert "commission".

16 On page 22, between lines 1 and 2, insert:

17 " Section 40. The provisions of sections 37 and 38 of this Act are effective on July 1, 2013.

18 Section 41. There is hereby appropriated from the general fund the sum of seven million
19 dollars (\$7,000,000), or so much thereof as may be necessary, to the Bureau of Finance and
20 Management for the purpose of funding the building South Dakota fund.

21 Section 42. The commissioner of finance and management shall approve vouchers and the
22 state auditor shall draw warrants to pay expenditures authorized by this Act.

23 Section 43. Any amounts appropriated in this Act not lawfully expended or obligated shall
24 revert in accordance with the procedures prescribed in chapter 4-8.".

25 235ftc

26 On page 1, line 1, of the House State Affairs Committee engrossed bill, delete everything
27 after "Act to" and insert "create the building South Dakota fund and certain other funds and
28 programs to enhance economic development and education, to make certain deposits and

transfers, to make continuous appropriations, to revise certain education funding to support economic development, to make an appropriation therefor, and to declare an emergency."

On page 1, delete lines 2 to 6, inclusive.

Respectfully submitted,
David Lust
House Committee Chair

Respectfully submitted,
Russell Olson
Senate Committee Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has failed to concur in House amendments to SB 195 and has appointed Sens. Rhoden, Johnston, and Frerichs as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses.

Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has failed to concur in House amendments to SB 76 and has appointed Sens. Rave, Maher, and Buhl as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses.

Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has failed to concur in House amendments to SB 155 and has appointed Sens. Krebs, Vehle, and Lucas as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses.

Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has failed to concur in House amendments to SB 159 and has appointed Sens. White, Soholt, and Welke as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses.

Respectfully,
Jeannette Schipper, Secretary

1

ANNOUNCEMENTS

2

3

4

The Speaker appointed Reps. Solum, Qualm, and Parsley as a committee of three on the part of the House to meet with a like committee on the part of the Senate to adjust the differences between the two houses on SB 195.

5

CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

6

7

Rep. Wick moved that the report of the Conference Committee on HB 1239 as found on page 795 of the House Journal be adopted.

8

9

The question being on Rep. Wick's motion that the report of the Conference Committee on HB 1239 be adopted.

10

And the roll being called:

11

Yeas 62, Nays 5, Excused 3, Absent 0

12

Yeas:

13

14

15

16

17

18

19

Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Kirschman; Lust; Magstadt; May; Mickelson; Munsterman; Nelson; Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

20

Nays:

21

Kopp; Latterell; Novstrup (David); Russell; Verchio

22

Excused:

23

Carson; Killer; Miller

24

25

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the motion carried and the report was adopted.

26

27

Rep. Craig moved that the report of the Conference Committee on HB 1130 as found on page 795 of the House Journal be adopted.

28

29

The question being on Rep. Craig's motion that the report of the Conference Committee on HB 1130 be adopted.

30

And the roll being called:

1 Yeas 59, Nays 8, Excused 3, Absent 0

2 Yeas:

3 Bartling; Bolin; Cammack; Campbell; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
4 Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hansen; Hawks;
5 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Kaiser; Kirschman;
6 Kopp; Latterell; Magstadt; May; Mickelson; Munsterman; Nelson; Olson (Betty); Otten
7 (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Schaefer;
8 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Werner;
9 Westra; Wick; Wink; Wismer; Speaker Gosch

10 Nays:

11 Conzet; Hajek; Johns; Lust; Novstrup (David); Rozum; Russell; Verchio

12 Excused:

13 Carson; Killer; Miller

14 So the motion having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the motion carried and the report was adopted.

16 Rep. Mickelson moved that the report of the Conference Committee on HB 1123 as found
17 on page 794 of the House Journal be adopted.

18 The question being on Rep. Mickelson's motion that the report of the Conference
19 Committee on HB 1123 be adopted.

20 And the roll being called:

21 Yeas 64, Nays 2, Excused 4, Absent 0

22 Yeas:

23 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
24 Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks;
25 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
26 Kirschman; Kopp; Latterell; Lust; May; Mickelson; Munsterman; Novstrup (David); Olson
27 (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds;
28 Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens;
29 Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

30 Nays:

31 Erickson; Nelson

32 Excused:

33 Carson; Killer; Magstadt; Miller

34 So the motion having received an affirmative vote of a two-thirds majority of the members-
35 elect, the Speaker declared the motion carried and the report was adopted.

1 Rep. Lust moved that the report of the Conference Committee on SB 235 as found on
2 page 796 of the House Journal be adopted.

3 Rep. Cronin moved as a substitute motion that the consideration of the report of the
4 Conference Committee on SB 235 be placed to follow SB 28 on today's calendar.

5 Which motion prevailed.

6 Rep. Wink moved that the report of the Conference Committee on SB 15 as found on
7 page 795 of the House Journal be adopted.

8 The question being on Rep. Wink's motion that the report of the Conference Committee
9 on SB 15 be adopted.

10 And the roll being called:

11 Yeas 63, Nays 3, Excused 4, Absent 0

12 Yeas:

13 Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
14 Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hansen; Hawks;
15 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
16 Kirschman; Kopp; Latterell; Lust; May; Mickelson; Munsterman; Nelson; Novstrup (David);
17 Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema;
18 Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens;
19 Tulson; Tyler; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

20 Nays:

21 Bartling; Russell; Verchio

22 Excused:

23 Carson; Killer; Magstadt; Miller

24 So the motion having received an affirmative vote of a two-thirds majority of the members-
25 elect, the Speaker declared the motion carried and the report was adopted.

26 Rep. Wink moved that the report of the Conference Committee on SB 28 as found on
27 page 796 of the House Journal be adopted.

28 The question being on Rep. Wink's motion that the report of the Conference Committee
29 on SB 28 be adopted.

30 And the roll being called:

31 Yeas 62, Nays 5, Excused 3, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
3 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
4 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
5 Johns; Kaiser; Kirschman; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Novstrup
6 (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
7 Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer;
8 Stevens; Tulson; Tyler; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

9 Nays:

10 Kopp; Nelson; Russell; Steele; Verchio

11 Excused:

12 Carson; Killer; Miller

13 So the motion having received an affirmative vote of a two-thirds majority of the members-
14 elect, the Speaker declared the motion carried and the report was adopted.

15 There being no objection, the House reverted to Order of Business No. 7.

16 **MESSAGES FROM THE SENATE**

17 MR. SPEAKER:

18 I have the honor to inform your honorable body that the Senate has concurred in House
19 amendments to SB 233, 236, 237, and 51.

20 Respectfully,
21 Jeannette Schipper, Secretary

22 **ANNOUNCEMENTS**

23 The Speaker appointed Reps. Cronin, Munsterman, and Bartling as a committee of three
24 on the part of the House to meet with a like committee on the part of the Senate to adjust the
25 differences between the two houses on SB 155.

26 The Speaker appointed Reps. Gosch, Lust, and Bernie Hunhoff as a committee of three on
27 the part of the House to meet with a like committee on the part of the Senate to adjust the
28 differences between the two houses on SB 76.

REPORTS OF CONFERENCE COMMITTEES

Cc76A

MR. SPEAKER:

The Conference Committee respectfully reports that it has considered SB 76 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that the Senate do concur with the House amendments.

Respectfully submitted,
Brian Gosch
House Committee Chair

Respectfully submitted,
Timothy Rave
Senate Committee Chair

Cc195A

Also MR. SPEAKER:

The Conference Committee respectfully reports that it has considered SB 195 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that the Senate do concur with the House amendments.

Respectfully submitted,
Roger Solum
House Committee Chair

Respectfully submitted,
Larry Rhoden
Senate Committee Chair

Cc155A

Also MR. SPEAKER:

The Conference Committee respectfully reports that it has considered SB 155 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that the Senate do not concur with the House amendments to SB 155 and do appoint a new committee.

Respectfully submitted,
Justin Cronin
House Committee Chair

Respectfully submitted,
Shantel Krebs
Senate Committee Chair

1 Cc159A

2 Also MR. SPEAKER:

3 The Conference Committee respectfully reports that it has considered SB 159 and the
4 amendments thereto made by the House, and the disagreement of the two houses thereon, and
5 recommends that SB 159 be amended as follows:

6 159aa

7 On page 3, line 15, of the House Appropriations Committee engrossed bill, delete "0.005"
8 and insert "0.25".

9 Respectfully submitted,
10 G. Mark Mickelson
11 House Committee Chair

Respectfully submitted,
Jim White
Senate Committee Chair

12 **MESSAGES FROM THE SENATE**

13 MR. SPEAKER:

14 I have the honor to inform your honorable body that the Senate has concurred in House
15 amendments to SB 200.

16 Also MR. SPEAKER:

17 I have the honor to inform your honorable body that the Senate has failed to adopt the
18 report of the Conference Committee on HB 1239 and no new committee was appointed.

19 Also MR. SPEAKER:

20 I have the honor to inform your honorable body that the Senate has adopted the reports of
21 the Conference Committees on HB 1214 and 1130.

22 Also MR. SPEAKER:

23 I have the honor to inform your honorable body that the Senate has adopted the reports of
24 the Conference Committees on SB 15, 28, 147, 5, and 76.

25 Respectfully,
26 Jeannette Schipper, Secretary

1 Speaker Pro tempore Wink now presiding.

2 **CONSIDERATION OF REPORTS OF COMMITTEES**

3 Rep. Gosch moved that the report of the Conference Committee on SB 76 as found on
4 page 810 of the House Journal be adopted.

5 The question being on Rep. Gosch's motion that the report of the Conference Committee
6 on SB 76 be adopted.

7 And the roll being called:

8 Yeas 64, Nays 2, Excused 4, Absent 0

9 Yeas:

10 Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;
11 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;
12 Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
13 Johns; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson; Munsterman; Novstrup
14 (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
15 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;
16 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Speaker Gosch

17 Nays:

18 Kaiser; Wismer

19 Excused:

20 Carson; Killer; Miller; Nelson

21 So the motion having received an affirmative vote of a two-thirds majority of the members-
22 elect, the Speaker declared the motion carried and the report was adopted.

23 Speaker Gosch now presiding.

24 Rep. Lust moved that the report of the Conference Committee on SB 235 as found on
25 page 796 of the House Journal be adopted.

26 The question being on Rep. Lust's motion that the report of the Conference Committee on
27 SB 235 be adopted.

28 And the roll being called:

29 Yeas 60, Nays 6, Excused 4, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson;
3 Feickert; Feinstein; Gibson; Haggar (Don); Hajek; Hansen; Hawks; Hawley; Heinemann
4 (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kirschman; Kopp; Latterell; Lust;
5 Magstadt; Mickelson; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
6 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish;
7 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
8 Wick; Wink; Wismer; Speaker Gosch

9 Nays:

10 Campbell; Greenfield; Haggar (Jenna); Kaiser; May; Russell

11 Excused:

12 Carson; Killer; Miller; Nelson

13 So the motion having received an affirmative vote of a two-thirds majority of the members-
14 elect, the Speaker declared the motion carried and the report was adopted.

15 Rep. Solum moved that the report of the Conference Committee on SB 195 as found on
16 page 810 of the House Journal be adopted.

17 The question being on Rep. Solum's motion that the report of the Conference Committee
18 on SB 195 be adopted.

19 And the roll being called:

20 Yeas 58, Nays 8, Excused 4, Absent 0

21 Yeas:

22 Bartling; Bolin; Cammack; Conzet; Craig; Cronin; Dryden; Ecklund; Erickson; Feickert;
23 Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley;
24 Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kirschman; Lust;
25 Magstadt; May; Mickelson; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman);
26 Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer;
27 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;
28 Werner; Westra; Wismer; Speaker Gosch

29 Nays:

30 Campbell; Duvall; Hansen; Kaiser; Kopp; Latterell; Wick; Wink

31 Excused:

32 Carson; Killer; Miller; Nelson

33 So the motion having received an affirmative vote of a two-thirds majority of the members-
34 elect, the Speaker declared the motion carried and the report was adopted.

1 Rep. Lust moved that the House do now recess until 7:45 p.m., which motion prevailed
2 and at 7:06 p.m., the House recessed.

3 **RECESS**

4 The House reconvened at 7:45 p.m., the Speaker presiding.

5 There being no objection, the House reverted to Order of Business No. 5.

6 **REPORTS OF STANDING COMMITTEES**

7 MR. SPEAKER:

8 The Committee on Legislative Procedure respectfully reports that HB 1018, 1061, 1075,
9 1087, 1124, 1126, 1144, 1149, 1151, 1152, 1163, 1167, 1194, 1198, 1208, and 1246 were
10 delivered to his Excellency, the Governor, for his approval at 8:20 a.m., March 7, 2013.

11 Also MR. SPEAKER:

12 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
13 and Enrolling has carefully compared HB 1045, 1050, 1085, 1096, 1098, 1122, 1137, 1164,
14 1165, 1168, 1171, 1184, 1212, 1220, 1233, and 1234 and finds the same correctly enrolled.

15 Respectfully submitted,
16 Brian G. Gosch, Chair

17 **MESSAGES FROM THE SENATE**

18 MR. SPEAKER:

19 I have the honor to inform your honorable body that the Senate has adopted the report of
20 the Conference Committee on SB 235.

21 Respectfully,
22 Jeannette Schipper, Secretary

1 **MOTIONS AND RESOLUTIONS**

2 Rep. Hansen moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on
3 Friday, March 8, the 37th legislative day.

4 Which motion prevailed.

5 **SIGNING OF BILLS**

6 The Speaker publicly read the title to

7 HB 1045: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
8 alternative apportionment methods available for determination of the bank franchise tax.

9 HB 1050: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related
10 to the suppression of mountain pine beetles, to establish a cost share program with the counties
11 in the state, and to declare an emergency.

12 HB 1085: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
13 notice given to municipalities and counties for bingo games and lotteries.

14 HB 1096: FOR AN ACT ENTITLED, An Act to provide for the transfer and appropriation
15 of funds upon the occurrence of certain events and to assist rural counties in the recruitment of
16 attorneys.

17 HB 1098: FOR AN ACT ENTITLED, An Act to require the Legislature to approve bonds
18 for lease purchase agreements with the four postsecondary technical institutes, and to approve
19 bonds for lease purchase agreements with Western Dakota Technical Institute and Southeast
20 Technical Institute.

21 HB 1122: FOR AN ACT ENTITLED, An Act to revise certain requirements relating to
22 health insurance plans for county officers and employees.

23 HB 1137: FOR AN ACT ENTITLED, An Act to impact education in South Dakota, to
24 make an appropriation therefor, and to declare an emergency.

25 HB 1164: FOR AN ACT ENTITLED, An Act to establish a classroom innovation grant
26 program and to make an appropriation therefor.

27 HB 1165: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
28 agricultural land task force.

29 HB 1168: FOR AN ACT ENTITLED, An Act to increase certain levies relating to predator
30 control districts.

1 HB 1171: FOR AN ACT ENTITLED, An Act to exempt certain property from bankruptcy
2 levy.

3 HB 1184: FOR AN ACT ENTITLED, An Act to make an appropriation to the Department
4 of Game, Fish and Parks to fund certain improvements to the state park system.

5 HB 1212: FOR AN ACT ENTITLED, An Act to increase the expense allowances of
6 legislators.

7 HB 1220: FOR AN ACT ENTITLED, An Act to permit the use of golf carts under certain
8 circumstances within state parks or recreation areas.

9 HB 1233: FOR AN ACT ENTITLED, An Act to grant limited immunity for the provision
10 of voluntary medical services under certain circumstances.

11 HB 1234: FOR AN ACT ENTITLED, An Act to provide a limited exception to the
12 provisions that exempt sport shooting ranges from the public nuisance laws and to declare an
13 emergency.

14 SB 10: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract
15 for the construction of swine teaching and research facilities at South Dakota State University
16 and to make an appropriation therefor.

17 SB 11: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract
18 for the construction of an indoor practice and human performance facility on the campus of
19 South Dakota State University and to make an appropriation therefor.

20 SB 17: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated
21 natural resources conservation fund to the State Conservation Commission.

22 SB 31: FOR AN ACT ENTITLED, An Act to make an appropriation for the construction
23 of a maintenance building and to authorize the razing of three buildings at the STAR Academy
24 in Custer County.

25 SB 55: FOR AN ACT ENTITLED, An Act to make certain form and style changes
26 regarding the bank franchise tax.

27 SB 75: FOR AN ACT ENTITLED, An Act to adopt updated guidelines for the evaluation
28 of permanent impairment in connection with workers' compensation claims.

29 SB 111: FOR AN ACT ENTITLED, An Act to amend provisions of the Uniform
30 Commercial Code relating to electronic funds transfers and to declare an emergency.

31 SB 151: FOR AN ACT ENTITLED, An Act to clarify the maintenance responsibilities on
32 unimproved section lines.

33 SB 185: FOR AN ACT ENTITLED, An Act to clarify the authority of the interim rules
34 review committee.

1 SB 186: FOR AN ACT ENTITLED, An Act to establish Good Earth State Park at Blood
2 Run in Lincoln County.

3 SB 194: FOR AN ACT ENTITLED, An Act to extend the sunset date for certain
4 expenditures from a school district's capital outlay fund.

5 SB 223: FOR AN ACT ENTITLED, An Act to clarify the open meetings requirement as
6 applied to the Public Utilities Commission.

7 And signed the same in the presence of the House.

8 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
9 7:47 p.m. the House adjourned.

10

Arlene Kvislen, Chief Clerk